

REMARKS

Claims 1-26 were examined. Claims 1, 9-11, 19-21, 24 and 25 were rejected and Claims 2-8, 12-18, 22, 23 and 26 were objected to. In response to the above-identified Office Action, Claims 1, 7, 11, 21, 24 and 26 are amended, no claims are cancelled, and no claims are added. Reconsideration of the rejected claims in light of the aforementioned amendments and the following remarks is requested.

I. Claims Rejected Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1, 9-11, 19-21, 24 and 25 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2003/0071783 by Chen ("Chen").

Regarding Claims 1 and 11, Claims 1 and 11, as amended, recite the following features which are neither taught nor suggested by Chen or the references of record:

when a wireless/wired communications interface is detected as a communications interface type of a device, detecting a connection state of the device as one of a wireless connection state and a wired connection state;

when the wireless connection state is detected, determining a data transmission error rate of the device during operation of the device in a wireless communications mode; and

notifying a device user to couple a wire link between the device and a host device to switch the device from the wireless communications mode to a wired communications mode when the data transmission error rate of the device exceeds a pre-determined threshold. (Emphasis added.)

In contrast to the above cited features of amended Claims 1 and 11, Chen teaches a manual wired/wireless dual mode operating input device. As indicated by the background section of Chen, Chen is directed to drawbacks associated with the ability to recharge batteries of wireless peripheral devices as well as interferences during wireless communication. (See pg.1, ¶5-8.) To overcome the problems associated with prior art wireless peripheral input devices, as illustrated in FIG 4, Chen teaches an input device 10 which includes the capability to recharge a battery 140 during a wired communication mode. As taught by Chen:

The power circuit 14 also receives power from the computer 200 (via the signal/power cable 30, the receiver 20, and the wire connecting port 15) to recharge the rechargeable battery 140 when the input device 10 is in the wired communication mode. (See pg. 2, ¶ 24, lines 12-16.) (Emphasis added.)

As further disclosed by Chen regarding operation of input device 10:

When the electricity of the rechargeable battery 140 is exhausted, or if the interference in radio frequency is serious, the user can pull out (i.e., unwind) the retractable signal/power cable 30 in a desired length from the receiver 20 to connect the cable 30 with the input device 10. At this time, the input devices 10 and the receiver 20 will be switched to operate in a wired communication mode. (See pg. 2, ¶ 26, lines 1-7.) (Emphasis added.)

Based on the recited passages above, Applicant respectfully submits that a user of input device 10 is responsible for detecting that electricity of the rechargeable battery is exhausted, presumably once the input device stops working. In addition, a user detects that interference with radio frequency is serious, presumably, when operation of the input device fails.

Conversely, as recited by amended Claim 1 and 11, a user is notified to couple a wire link between a device and a host device to switch the device from the wireless communications mode to a wired communications mode when the data transmission error rate of the device exceeds a predetermined threshold. Hence, Applicant respectfully submits that the device notification to the user to couple the device to a host device via a wired link is neither taught nor suggested by Chen.

As mandated by case law, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Here, Applicant respectfully submits that Chen fails to teach or suggest the notification of a device to user to couple a wire link between the device and a host device to switch the device from the wireless communications mode to a wired communications mode when a data transmission error rate of the device exceeds a predetermined threshold, as recited by amended Claims 1 and 11. Rather than provide notification to a user, Chen teaches that the user is responsible for determining either that the electricity of the rechargeable battery 140 is exhausted or that the interference of radio communication frequency is serious. As taught by Chen, in such situations, the user is responsible for connecting the input device to receiver 20 via retractable signal/power cable 30. (See pg. 2, ¶ 26, lines 1-7 of Chen.) Applicant's argument is

substantiated by the teaching of Chen which requires a user to select the mode in which to operate the input device; specifically, as taught by Chen:

In any case, the user is able to select a preferred mode in which to operate the input device 10 at an optimal basis. (See pg. 2, ¶ 30, lines 8-10.) (Emphasis added.)

Accordingly, for at least the reasons recited above, Applicant respectfully submits that Applicant's amendments to Claims 1 and 11 prohibit the Examiner from establishing a *prima facie* case of obviousness of amended Claims 1 and 11 since all claimed limitations are neither taught nor suggested by Chen, as well as references of record, as required to establish a *prima facie* case of obviousness. Id.

Therefore, Applicant respectfully submits that Claims 1 and 11, as amended, are patentable over Chen, as well as references of record. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the §103(a) rejection of Claims 1 and 11.

Regarding Claims 9-10 and 19-20, Claims 9-10 and 19-20, based on their dependency from Claims 1 and 11, respectively, are also patentable over Chen, as well as references of record. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the §103(a) rejection of Claim 9-10 and 19-20.

Regarding Claim 21, Claim 21 is amended to recite the following claim features which is neither taught nor suggested by Chen, as well as references of record:

determine a data transmission error rate of the apparatus during operation of the apparatus in a wireless communications mode if the wireless connection state is detected by the wired/wireless detection unit, and
notifying a device user to couple the wire link between the apparatus and the host device to switch the apparatus from the wireless communications mode to a wired communications mode when the data transmission error rate of the apparatus exceeds a pre-determined threshold error rate. (Emphasis added.)

Applicant respectfully submits that the above-recited features of amended Claim 21 are analogous to the previously-recited features of amended Claim 1 and 11. Therefore, Applicant's arguments provided above regarding the §103(a) rejection of Claims 1 and 11 as obvious over Chen equally apply to the §103(a) rejection of Claim 21 as obvious over Chen.

Consequently, for at least the reasons provided above, Applicant respectfully submits that Chen fails to teach or suggest the notification, to a device user, to couple a wire link between the apparatus and the host device to switch the apparatus from the wireless communications mode to a wired communications mode when the data transmission error rate of the apparatus exceeds a predetermined threshold error rate, as recited in Claim 21. In contrast to the above-recited features of amended Claim 21, Chen teaches that the user is responsible for selecting a mode of operation of the input device; namely, the user must either detect that the electricity of the rechargeable battery 140 is exhausted or that radio interference is serious to cause the user to connect the input device 10 to receiver 20 using retractable signal/power cable 30 as shown in Fig 4 (see pg. 2, ¶ 26, lines 1-7 and ¶ 30, lines 8-10.)

Accordingly, for at least the reasons provided above, Applicant respectfully submits that Applicant's amendments to Claim 21 prohibit the Examiner from establishing a *prima facie* case of obviousness of amended Claims 21 since all claimed limitations recited by Claim 21 are neither taught nor suggested by Chen, as well as references of record, as required to establish a *prima facie* case of obviousness. Id.

Therefore, Applicant respectfully submits that Claims 21, as amended, are patentable over Chen, as well as references of record. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the §103(a) rejection of Claim 21.

Regarding Claim 24, Claim 24 is amended to recite the following claim feature which is neither taught nor suggested by Chen, as well as references of record:

a user interface coupled to the communications interface to notify a device user to couple the wire link between the communication device and the host device to enable the communications interface to switch from the wireless communications mode to the wired communications mode when the data transmission error rate of the communication device exceeds a pre-determined threshold if the wireless connection state is detected by the wired/wireless detection unit.

Applicant respectfully submits that the above recited feature of Claim 24 is analogous to the previously-recited features of amended Claim 21. Hence, Applicant respectfully submits that Applicant's arguments provided above regarding the §103(a) rejection of Claims 21 as obvious over Chen equally apply to the §103(a) rejection of Claim 24 as obvious over Chen.

Therefore, Applicant respectfully submits that Claims 24, as amended, are patentable over Chen, as well as references of record. Id. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the §103(a) rejection of Claim 24, as well the §103(a) rejection of Claim 25 based on its dependency on Claim 24.

II. Allowable Subject Matter

The Examiner has objected to Claims 2-8, 12-18, 22-23 and 26 as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant respectfully thanks the Examiner for recognizing the allowability of Claims 2-8, 12-18, 22-23 and 26. However, Applicant respectfully submits that such claims, based on their dependency on from Claims 1, 11, 21 and 24, respectively, are also patentable over Chen, as well as references of record. Therefore, Applicant respectfully requests that the Examiner allow Claims 2-8, 12-18, 22-23 and 26.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-26, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: September 20, 2006

By: _____

Joseph Lutz, Reg. No. 43,765

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage on the date below, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Annie McNally

09/20/2006
Date